



February 22, 2001

HOUSE BILL No. 1138

DIGEST OF HB 1138 (Updated February 20, 2001 4:21 PM - DI 105)

Citations Affected: IC 35-47.

Synopsis: Handguns and children. Makes it a Class A misdemeanor for an adult to knowingly, intentionally, or recklessly store or leave a loaded handgun or an unloaded handgun that is accompanied by ammunition in a location where the adult knows or should reasonably know that an unsupervised child is likely to gain access to the handgun if: (1) a child gains access to the handgun; and (2) the child violates the law concerning carrying a handgun without a license or uses the handgun to cause bodily injury to the child or to another person. Makes a repeat offense a Class D felony. Defines a child as a person less than twelve (12) years of age.

Effective: July 1, 2001.

Day

January 9, 2001, read first time and referred to Committee on Courts and Criminal Code.
February 21, 2001, amended, reported — Do Pass.

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HB 1138—LS 6765/DI 69+



February 22, 2001

First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

HOUSE BILL No. 1138

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 35-47-10-3 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 3. As used in this
3 chapter, "child" means a person who is less than eighteen (18) years of
4 age, **except under section 7.1 of this chapter where it means a**
5 **person who is less than twelve (12) years of age.**

6 SECTION 2. IC 35-47-10-7.1 IS ADDED TO THE INDIANA
7 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
8 [EFFECTIVE JULY 1, 2001]: **Sec. 7.1. (a) This section does not**
9 **apply under the following circumstances:**

10 (1) **When a child gains possession of a handgun that was:**

11 (A) **stored in a locked box container;**

12 (B) **securely locked with a trigger lock; or**

13 (C) **located in some other place that a reasonable person**
14 **believes to be secure from a child.**

15 (2) **When a child gains possession of a handgun as a result of**
16 **the child's unlawful entry, that is burglary (as defined in**
17 **IC 35-43-2-1), residential entry (as defined in IC 35-43-2-1.5),**

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or trespass (as defined in IC 35-43-2-2), if committed by an adult.

(b) If:

(1) an adult knowingly, intentionally, or recklessly stores or leaves:

(A) a loaded handgun; or

(B) an unloaded handgun that is accompanied by ammunition;

in a location where the adult knows or should reasonably know that an unsupervised child is likely to gain access to the handgun;

(2) a child gains access to the handgun; and

(3) the child uses the handgun to:

(A) violate IC 35-47-2-1; or

(B) cause bodily injury to the child or to another person;

the adult commits a Class A misdemeanor. However, the offense is a Class D felony if the adult has a prior unrelated conviction under this section.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1138, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line and line 1, begin a new paragraph and insert:

"SECTION 1. IC 35-47-10-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 3. As used in this chapter, "child" means a person who is less than eighteen (18) years of age, **except under section 7.1 of this chapter where it means a person who is less than twelve (12) years of age.**"

Page 1, line 6, delete "or".

Page 1, line 7, delete "." and insert "; or".

Page 1, between lines 7 and 8, begin a new line double block indented and insert:

"(C) located in some other place that a reasonable person believes to be secure from a child."

Page 1, line 9, delete "." and insert ", **that is burglary (as defined in IC 35-43-2-1), residential entry (as defined in IC 35-43-2-1.5), or trespass (as defined in IC 35-43-2-2), if committed by an adult.**"

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1138 as introduced.)

DVORAK, Chair

Committee Vote: yeas 7, nays 5.

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